

REMARKS

Claim Status

Claims 12, 22, 23 are pending in the present application. No additional claims fee is believed to be due.

Claims 13 -21 are canceled without prejudice.

Support for the amendment to claim 12 is found *inter alia* at page 9, lines 20 – 23 (“...cart tracking data ...may be used with point of-sale data ... product placement data... to understand...purchasing behavior.”); page 10, lines 12 – 14 (“...after addition of the ‘Got Milk?’ sign”); page 11, line 23 – page 12, line 4 (“...store parameters ... include signage...”); and page 12, line 17 (“...correlated with point-of-sale data...”).

Rejection Under 35 USC §103(a) Over DeTemple in view of Busche

Claim 12 has been rejected under 35 USC §103(a) as being unpatentable over DeTemple (US 5,572,653) in view of Busche (US 2003/0055707). Applicant amends the claims to overcome the rejection.

Generally, Applicant amends the claims to define the invention *inter alia* as a method directed to determining the effect of changing the location of product advertising signage with regard to product sales. Former claim 12 used the more general term of an “environment parameter.” The currently pending claim is also amended to define that signage location data is generated *inter alia* via Radio Frequency identification (RFID) tags on the signage.

In contrast to the presently amended claims, DeTemple does not appear to teach or suggest changing the location of product advertising signage, much less tracking the location of the signage with RFID tags, even much less doing so to determine the effect to product sales. DeTemple also fails to expressly teach, according to the latest office

action, generating product tracks representative of when a product is placed into or removed from the product container (e.g., grocery cart).

Similarly, Applicant respectfully submits that paragraphs 58-59 and 78 of Busche fail to teach or suggest changing the location of product advertising signage, much less tracking the location of the signage with RFID tags, even much less doing so to determine the effect to product sales.

Gupta (US 6,820,062), although discloses “different types of advertising” – per the most recent office action (pg 4, l. 18-22) citing to col. 9, lines 40-45 of Gupta,

per unit time, percentage of shelf dwells which result in a scan, average cost of a scanned item, average cost of scanned items which were purchased, price sensitivity index, purchase distribution statistics, representing the proportion of each class of products the shopper scans or scans, and buys, and measures of the shopper's response to different types of advertising. The advertising might take the form(s) of visual presentations (character-based advertising vs. graphics), audio advertising, advertisement vs. a neutral list of product alternatives, or a presentation of complementary products.

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fails to teach the effect of advertising placement in the store. Gupta also fails to track the signage location via Radio Frequency identification (RFID) tags. An earlier office action (09/19/2007), at page 5, lines 17-19 admits that Gupta does not expressly teach using a RFID on the product when it is placed into or removed from the product container and sensors sensing said tags.

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Conclusion

In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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